

Applic. No. 10/823,227
Amdt. dated November 8, 2007
Reply to Office action of August 8, 2007

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-20 remain in the application. Claims 1, 2, 11, and 12 have been amended.

In item 3 on page 2 of the above-identified Office action, the drawings have been objected to under 37 CFR 1.83(a).

The Examiner stated that the drawings fail to show the sensor diaphragm as described in the specification. As noted above, Fig. 2 has been changed to add cross-hatching for the sensor and sensor diaphragm. Therefore, the objection to the drawings by the Examiner have been overcome.

In item 4 on page 2 of the above-identified Office action, the drawings have been objected to.

The Examiner stated that the sensor and the sensor diaphragm are not indicated by hatch marks. As noted above, Fig. 2 has been changed to add cross-hatching for the sensor and sensor diaphragm. Therefore, the objection to the drawings by the Examiner have been overcome.

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In item 7 on page 3 of the above-identified Office action, claims 1, 2, 3, 11, 12, and 13 have been rejected as being indefinite under 35 U.S.C. § 112.

The Examiner stated the applicant's use of the pressure sensor diaphragm seems contrary to the conventional use of a diaphragm. Claims 1 and 11 have been amended so as to further clarify the claims. Therefore, the rejection has been overcome.

In item 9 on page 4 of the above-identified Office action, claim 2 has been rejected as being indefinite under 35 U.S.C. § 112.

The Examiner alleges that in claim 2, an end of the drive shaft is never claimed. Claim 2 has been amended so as to facilitate prosecution of the application. Therefore, the rejection has been overcome.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory

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reasons. The changes are not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

In item 12 on page 5 of the Office action, claims 1, 2, 3, 11, 12, and 13 have been rejected as being obvious over Hilgert (U.S. Patent No. 3,411,704) in view of Rembold (U.S. Patent No. 6,162,028) in view of Owens (U.S. Patent No. 5,554,013) and further in view of Faisandier (U.S. Patent No. 3,939,758) under 35 U.S.C. § 103.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found on page 19, lines 3-5 of the specification and in Fig. 2 of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 11 call for, *inter alia*:

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the pressure sensor and the central support body defining a gap therebetween, the gap serving as a flow connection between the inlet passage and the outlet passage.

The Examiner correctly stated that Hilgert in view of Rembold in view of Owens does not disclose a pressure sensor having a pressure sensor diaphragm.

The Faisandier reference discloses a pressure sensor that has a deformable membrane (12). The deformable membrane (12) is mechanically coupled to an electrical switch (11) by a movable finger (13). Faisandier does not disclose that the pressure sensor together with a central support body of a pump defines a gap from an inlet of the pump to an outlet of a pump.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

The references do not show or suggest the pressure sensor and the central support body defining a gap therebetween, the gap serving as a flow connection between the inlet passage and the outlet passage, as recited in claims 1 and 11 of the instant application.

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The Examiner correctly stated that Hilgert in view of Rembold in view of Owens does not disclose a pressure sensor having a pressure sensor diaphragm.

The Faisandier reference discloses a pressure sensor having a diaphragm. Faisandier does not disclose that the pressure sensor together with a central support body of a pump defines a gap from an inlet passage of the pump to an outlet passage of a pump. This is contrary to the invention of the instant application as claimed, in which the pressure sensor and the central support body defining a gap therebetween, the gap serving as a flow connection between the inlet passage and the outlet passage

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

Since independent claims 1 and 11 are allowable over the art, dependent claims 2, 3, 12, and 13 are allowable over the art as well.

In items 13 and 14 on page 8 of the Office action, the Examiner stated that should claims 1-3 be found allowable,

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claims 11-13 will be objected to under 37 CFR 1.75 as being substantial duplicates thereof.

Applicant respectfully disagrees with the Examiner. More specifically, claim 1 requires that the electromagnet is operatively connected to the diaphragm, while claim 11 requires that the electromagnet is operatively connected to the diaphragm. Accordingly, claims 11-13 are not substantial duplicates of claims 1-3.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 11. Claims 1 and 11 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 11, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-20 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

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If an extension of time for this paper is required, petition
for extension is herewith made.

Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,



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FIG 2

